

AUG 31 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 09-90261

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, alleges that the district judge assigned to his civil rights case made various improper rulings. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judge “left [his case] to rot.” Because there is no evidence that any delay was habitual or improperly motivated, this charge must be dismissed. See Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009).

Complainant's request that his underlying case be “heard in a reasonable time frame” is not a form of relief available under the misconduct complaint procedure. See Judicial-Conduct Rule 11(a).

DISMISSED.